



# **FREDERICK COUNTY PLANNING COMMISSION**

## **June 9, 2021**

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**TITLE:** **McNair Landscaping**

**FILE NUMBER:** **SP19-08, AP#19512 (APFO#19513, FRO #19514)**

**REQUEST:** **Site Development Plan Approval**  
The Applicant is requesting Site Plan approval to establish a Limited Landscape Contractor business.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 9225 Waynesboro Road

TAX MAP/PARCEL: Tax Map 3, Parcel 93  
COMP. PLAN: Agricultural/Rural (A)  
ZONING: Agricultural (A)  
PLANNING REGION: Thurmont  
WATER/SEWER: NPS

**APPLICANT/REPRESENTATIVES:**

APPLICANT: Terry and Rosemary McNair  
OWNER: - same -  
ENGINEER: B&R Design Group  
ARCHITECT: N/A  
ATTORNEY: N/A

**STAFF:** Jerry Muir, Principal Planner I

**RECOMMENDATION:**

Approval

**ATTACHMENTS:**  
Exhibit 1 – Rendered Site Plan

## STAFF REPORT

### ISSUE

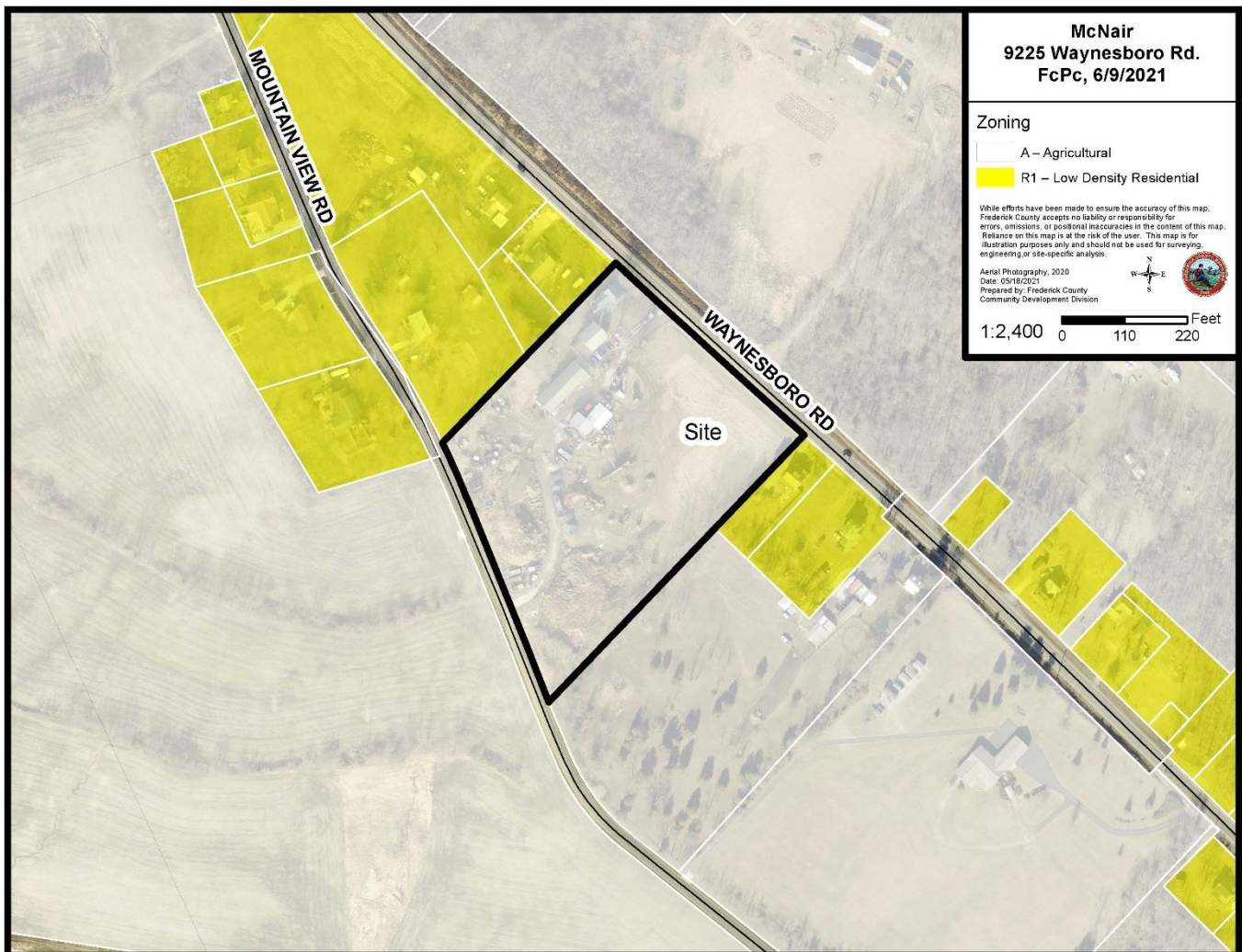
The Applicant is requesting Site Plan approval to legally establish a Limited Landscape Contractor business on Waynesboro Road, as permitted under the requirements of the Zoning Ordinance Section 1-19-8.441, which establishes specific use requirements for this type of operation in the Agricultural Zone subject to site development plan approval.

The proposed development consists of a caretaker's residence, an existing office, existing shop and storage and an existing barn.

The Site shows a commercial entrance on Waynesboro Road (which will be improved to SHA standards) and a planned stabilized entrance to improve access on Mountain View Road.

### BACKGROUND

**Development History:** There is no development history with this site. The landscape contractor business began in (fill in date) without obtaining the necessary approvals.



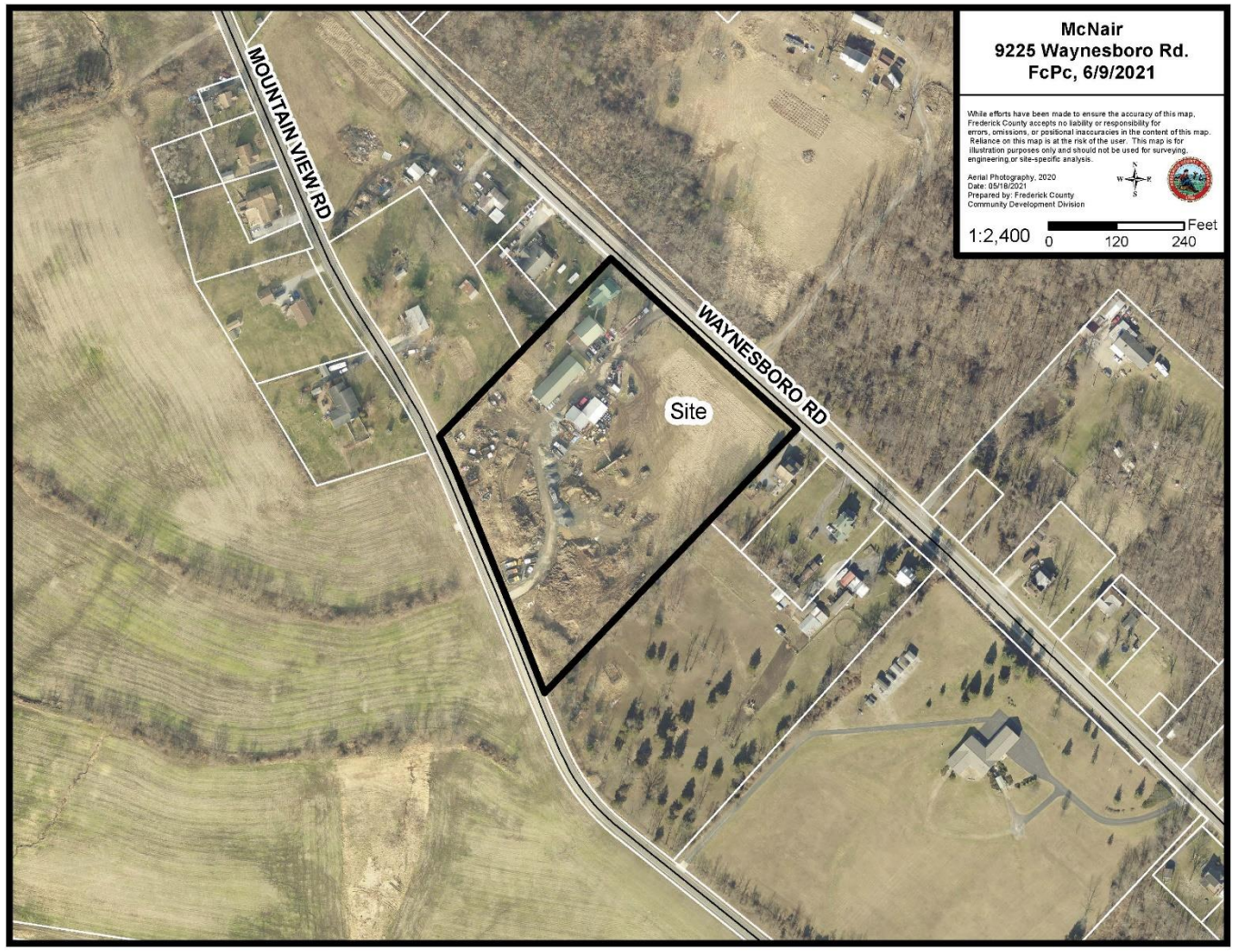


## Existing Site Characteristics

The Site is a sloping open field currently being used as a limited landscape contractor use with minimal vegetation and stockpile areas to the rear along the Mountain View Road side. This plan is to create a legally established Limited Landscape Contractor use on the site.

**Surrounding Land Uses:** The lot is adjoined by other farms and a mix of agricultural and low density residential uses.

**Figure 1: Site Vicinity Map – Aerial Image**



## **SPECIFIC USE REGULATIONS § 1-19-8.441**

### **ANALYSIS**

#### **Detailed Analysis of Findings and Conclusions**

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-8.441 Site Specific Use Regulations Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

**Site Development §1-19-8.441 (A): A combined total of no more than 10,000 SF of principal and accessory structures are permitted.**

The four buildings on the site amount to 9,400 SF as per Note 8.1.

**Site Development §1-19-8.441 (B): Total impervious surface area for parking and storage of equipment exterior to any structure is limited to 40,000 SF.**

The total storage and drive areas on the plan are noted to be 10,800 SF.

**Site Development §1-19-8.441 (C): Lot size, setbacks and height requirements are the same as other natural resource uses in the A District.**

The proposed bulk and setbacks for the facility are as follows:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	5 acres	5.25 ac.
Minimum Lot Width	300'	445+'
Front Yard	40'	162'
Side Yard	50	40'*
Rear Yard	NA	NA
Max Building Height	30'	30'

\*It has been determined that the existing office and caretaker's residence are legal nonconforming uses. They may not be expanded or added on to in the future.

**Site Development §1-19-8.441 (D): The parking requirements of 1-19-6.200 through 1-19-6.230 of this Code will be met; however, no parking area is permitted within the required yard setback.**

Parking required for this site plan per Section 19-6.200(A)(4) is one space per employee (5 employees) and 2 spaces for the residence. Seven parking spaces are required and 7 are provided, including one HC space.

The plan notes there will be one large loading space provided in the rear areas of the stockpiles.

**Site Development §1-19-8.441 (E): The maximum number of employees is ten.**

The plan notes there are five employees (Note 10).

**Site Development §1-19-8.441 (F): The site must have access on a paved public road with a minimum pavement width of 16'.**

Waynesboro Road is a paved public road with a pavement width of 24'+. Additionally, as noted, the Applicant has shown improvement to this entrance to conform to SHA standards.

**Site Development §1-19-8.441 (G): Petroleum and other hazardous or flammable material storage tanks must have a 100% catchment or double walled containment and spill protection overflow alarm. This does not include propane or natural gas.**

The plan does not propose any flammable material storage.

**Site Development §1-19-8.441 (H):** The proposed use shall comply with Ordinance Section 1-6-50 (Well Head Protection) prior to site plan approval.

The site is not within a Wellhead Protection area.

**Site Development §1-19-8.441 (I):** All equipment and materials must be screened from adjacent properties and public roads with plantings of evergreens, at least five feet in height.

The Applicant proposes to plant a mix of evergreen plantings around the perimeter of the site in order to meet this requirement.

### **ADDITIONAL DISTRICT REGULATIONS §1-19-6.100 THROUGH 6.500**

**Signage §1-19-6.320:** A business identification sign within the A district is limited to 25 SF and a maximum height of 15' and a setback of half the required yard (20' in this case).

Per the signage note on the site plan, the Applicant proposes a sign with 25 SF of area and a height of 15' maximum. The required 20' setback is noted on the plan also.

**Landscaping §1-19-6.400 (A)** Street trees are required for every 35' of road frontage.

The site requires 13 trees on Waynesboro Road (445'/35) and 14 trees on Mountain View Road (481'/35). The numbers to be planted match these requirements. Additional trees and shrubs are planted in the area of the interior parking to further screen the business use. The plan exhibit shows parking space coverage is in conformance with the 20% requirement.

**Lighting §1-19-6.500(A):** Lighting shall be designed and installed to be fully shielded and directed downward to prevent glare and light trespass onto adjacent roadways and properties.

The lighting is existing building mounted security lighting that will be directed downward and cast no off site glare.

**Lighting §1-19-6.500(B):** Pole light height is limited to 18'

The Applicant notes that no exterior pole lighting is proposed. Existing, building mounted light height is 18'.

**Lighting §1-19-6.500(D):** Lighting shall not exceed .5 Foot-candles as measured from the Property line

As noted above, the applicant proposes only building mounted, downward directed security lighting. Given the distance, grades, and screening, staff believes this requirement is met.

## **Other Applicable Regulations**

**Stormwater Management – Chapter 1-15.2:** Stormwater management plans are under review and will be completed as the project continues towards completion.

**APFO – Chapter 1-20:**

**Schools:** The Project is non-residential and not subject to schools testing.

**Road Improvements:** This limited landscape contractor development is less than 10,000 SF (which includes a caretaker's residence and barn) and it will generate less than 6 trips during the peak hour of the adjacent street and is therefore exempt from APFO testing and contribution to existing area road escrow accounts. (§1-20-12(H)). There are no escrow accounts in the area.

**Water and Sewer:** This Site does not utilize public water or sewer.

**Forest Resource – Chapter 1-21:**

The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan. The property contains no forest or specimen trees. The Applicant proposes to mitigate the afforestation requirement by purchasing banking credits. This will require either 1.05 acres of new forest or 2.63 acres of existing forest.

### ***Conditions of Approval***

FRO mitigation (transfer of banking credits) must be provided prior to applying for grading permits or building permits, whichever is applied for first.

### **Summary of Agency Comments**

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Public Works Development Review (PWDR):</i></b>	Approved
<b><i>Development Review Planning:</i></b>	Approved
<b><i>Street Name Review</i></b>	Approved
<b><i>Health Dept.</i></b>	Approved
<b><i>Office of Life Safety</i></b>	Approved
<b><i>Traffic Engineering</i></b>	Approved
<b><i>APFO</i></b>	Approved
<b><i>FRO</i></b>	Approved
<b><i>SHA</i></b>	Approved

## **RECOMMENDATION**

Staff has no objection to conditional approval of this Site Development Plan. If the Planning Commission conditionally approves the Site Development Plan, the plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through June 9, 2024).

Based upon the findings and conclusions as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following conditions met:

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. Provide the required FRO mitigation prior to applying for grading or building permits (whichever is applied for first).

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission APPROVE SP19-08, AP 19512, APFO 19513 and FRO 19514 with conditions as listed in the staff report for the proposed McNair Landscaping facility, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



# Exhibit 1: Rendered Site Plan

